

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

*ANTHONY BAYAD ,*

*Plaintiff ,*

*JOHN CHAMBERS, PATRICIA  
RUSSO, ANTHONY  
SAVASTANO and CARL  
WIESE,  
Defendants ,*

CIVIL ACTION

CASE NO. 04-cv-10468-GAO

**Notice of perjury**

(falsifying U.S. District Court `waiver of service summons)

AVAYA Inc.,  
LUCENT TECHNOLOGIES Inc.,  
DEFENDANT PATRICIA RUSSO  
Lisa Gaulin Esq.  
Tom Shirley Esq.  
Exchange place  
53 State Street  
Boston, MA 02109-2804

**YOU ARE PROHIBITED** to misrepresent malice, intend, knowledge, and **falsify** an **official document** or official act, in this case the U.S. District Court `waiver of service summons, provided by the U.S. Clerk. You have submitted to Plaintiff your waiver on **April 27, 2004** that was sent to you on **March 9, 2004** and you have received it on **March 11, 2004**, additionally you signed the Waiver of service and **[y]ou falsified** the section that indicate "date request was sent" in the waiver of service summons of the U.S. Clerk. Your misconduct constitute fraud and

perjury, and embezzlement or forgery warrants disbarment; See ***Florida Bar v. Greenberg, 247 So.2d 151 (1970)***; moreover the Rule of Professional Ethics clearly define the misconduct ( of these lawyers, Tom Shirley & Lisa Gaulin) of falsifying the date of the waiver of Service in order to avoid time limitation which was "***pass due***" **March 19, 2004**, and their misconduct was intent, as element for discipline an attorneys ( Tom Shirley & Lisa Gaulin) for engaging in conduct involving dishonesty, fraud, or misrepresentation, is proven by fact and exhibits furnished in support of this notice that the conduct was in fact deliberate and knowing; See ***The Florida Bar v. Mogil, 763 So.2d 303 (2002)***; furthermore the liability falls also on the very ***Senior partners of Choate, Hall & Stewart*** as they are responsible for ethical violation resulting from directing associate in firm ( Tom Shirley & Lisa Gaulin); See The ***ABA Rule 5.1*** Responsibilities of Firm ***Partner/Supervisors***, Define the Rule as Follows:

" A partner and Lawyers ( as Tom Shirley & Lisa Gaulin) with similar managerial authority must take all reasonable efforts to ensure that other attorneys in the firm conform to the Rules of Professional Conduct and the Rule of Law", in this case the rule of the United States District of Massachusetts.

They ( Attorneys Tom Shirley & Lisa Gaulin) have purposely neglected the law and the rule of Professional ethics and their misconduct is matter of recurrences basis for discipline, regardless of lawyers' motives; Motives may of course influence the sanction, and the likelihood of discipline increase as the number of neglect matters increases; ***See In Matter of Snow, 530 N. Y. S. 2d 886 (2d Dept. 1988)***, a pattern of neglect of several matter resulted in one year suspension, as

they ( attorneys the first misconduct,**offense 1) *Intentional disobedience*** of the United States Court Subpoena issued and Signed by the U.S. Clerk, the first offense of conduct was in similarity with ***Title 18 U. S. C. S § 2j1.2*** obstruction of Justice, willful failure to comply with rule of United States Civil Rule of Procedures; **2)** They are attempting to take upon them selves the power to determine what is the law and in doing so, subjected them selves to Civil Contempt and disbarment; See ***United States v. United Mine Workers of America, 330 U.S. 258, 307, 67 S. C. t. 677, 91 LE.d. 884 (1947);*** **3)** and now they (attorneys Tom Shirley & Lisa Gaulin) are falsifying the United States official document of the Waiver of Service of Summons, and by engaging in conduct prejudicial to administration of justice which adversely on fitness to practice law warrants **Six-month suspension**; See ***Florida Bar v. Jones, 403 So.2d 1340 (1981)***, Also filing a knowingly response in regard to U.S. Waiver of Service of Summons, They ( Tom Shirley & Lisa Gaulin) knew were false and misleading warrant suspension for ninety ( **90**) days; See ***Florida bar v. Corbin , 701 So.2d 334 ("1997")***.

---

*Rule 15 of the federal Rule of Civil Procedure provides that once time for amending a pleading as of right has expired, in this case it is Defendant Patricia Russo and her attorneys ( Tom Shirley and Lisa Gaulin) may request leave of court to amend, which " shall be freely given when justice so requires; Fed. R. Civ. P. 15 (a). It has been liberally construed, and leave to amend should be granted absent undue prejudice; See Foman v. Davis, 371 U.S. 178, 182 (1967);*

**SERVICE & SUMMONS**

On about **March 18, 2004** Defendants John Chambers, Anthony Savastano, and Carl Wiese have all returned the waiver of service of summons and filed it accordingly with rule 5(d) with the Clerk of the court and plaintiff. Defendant Patricia Russo did not return the waiver of service of summons as directed **March 19 2004** nor she has filed any answer with Clerk of the court as required to Federal Rule of Civil Procedure 5(d) or the time to respond to the complain as governed by **12 (a)** ( in this case is **20 days**); **please See Exhibits attached**, the First Page of the Complain with the Clerk Docketed numbers, The United States Service Summon that was served with the Complain on About **March 9<sup>th</sup>, 2004** , The United States Postal Service proof and proper service, the united States Postal Service Track & Confirm document showing the date of proper service summons was properly executed and notified Defendant Patricia Russo of Plaintiff law suit against her, The U.S. Summon was commanding Defendant Patricia Russo to respond on **Marsh 19, 2004** and all the defendants John Chambers, Carl Wiese, and Anthony Savastano, with their attorney Mark batten have complied with the United States Summon, but **"Ms. Patricia Russo"**.

---

*Additionally if Defendant Patricia Russo and her Attorneys (Tom Shirley and Lisa Gaulin) cannot demur to the complain or make an **equivalent 12 (b) (6)** motion or dispose of it on any of the grounds listed in **Fed. R. P. 12(b)**; Wherefore Plaintiff have shown that Defendant in particular Patricia Russo and her Attorneys were under the honest but mistaken impression that a filing with united States Court Clerk; See **Rule 5(d)** govern the filing with court or an answer to Plaintiff complain had been timely filed; **See rule 12(a)** define time and when the paper must by filed ( time allowed is 20 days); such mistaken impression constitutes good cause to set aside the default under **Rule 55 (c)**; See **Kennerly ARO, Inc., V. Air Engineering Metal Traders, 447 F. Supp 1083 (EC Tenn. 1977.***

Ms. Russo as always did not, additionally plaintiff provided her 20 more days to respond and she failed to comply with Federal of Civil Proceeding, **Rule 5 ( d) and 12 ( a)**, and **on about march 27, 2004**;she ( ***Patricia Russo and her Attorneys***) filed the ***notice of appearance*** and did not file the Waiver of Service of Summon, and the motive for not complying with the rule of the Court is because she was in default and by changing the date in the waiver of summon she and her attorneys were thinking to avoid the statue of limitation and by doing so they committed **perjury**.

### **CONCLUSION**

Plaintiff's motion for default judgment under **Rule 55** will be granted where Defendant 'Counsels (Tom Shirley and Patricia Russo), although having **knowledge** of the **Law** suits and the proper service of the complain and being **aware** of a possible defense of release, permitted the date for filing answer to **pass** without seeking an extension and give no excuse for delay inadvertence, and a resolution on the merits is preferable to judgment by default, court should liberally allow relief under **Rule 60** for setting aside default judgment; additionally **Rule 60** and **Rule 55** of these Rules providing for setting aside default judgment are to be liberally construed in order to provide onerous consequences of default judgments; See ***Tolson v. Hodge, C. A. N. C. 1969, 411 F.2d 123***, also See Horn ***v. Electron Corp., D.C.N.Y.1968, 294 F.Supp.1153***, and ***Pulliam v. Pulliam, 1973, 478, F.2d 935, 56 U.S. App D.C.25.***

**CERTIFICATE OF SERVICE**

I certify that on April 23, 2004, a copy of this document was

SERVED BY HAND ON ;

**AVAYA Inc.,  
LUCENT TECHNOLOGIES Inc.,  
DEFENDANT PATRICIA RUSSO  
Lisa Gaulin Esq.  
Tom Shirley Esq.  
Exchange place  
53 State Street  
Boston, MA 02109-2804  
(617) 2480-5000**

**&**

**CISCO SYSTEMS Inc.,  
DEFENDANTS  
JOHN CHAMBERS,  
ANTHONY SAVASTANO  
CARL WIESE  
Mark Batten Esq.  
150 Federal Street  
Boston, MA 02148**

**ANTHON BAYAD  
PLAINTFF PRO SE  
2 MAGOUN AVENUE  
MEDFORD, MA 02155  
(781) 704-8982**

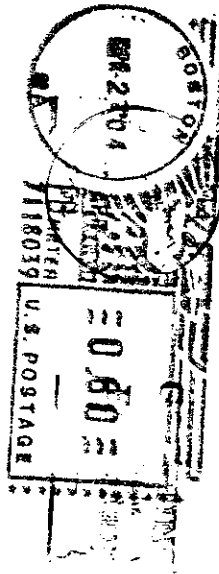
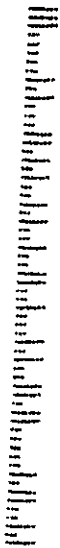
  
**Anthony Bayad**

**EXHIBITS**

CHOATE, HALL & STEWART  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
EXCHANGE PLACE  
53 STATE STREET  
BOSTON, MASSACHUSETTS 02109-2804

Anthony Bayad  
2 Magoun Avenue  
Medford, MA 02155

02155+4423





Anthony Bayad  
April 27, 2004  
Page 2

For your convenience, I have enclosed a copy of Ms. Russo's waiver of service. Please call me if you have any further questions or concerns.

Very truly yours,

  
Lisa Gaulin

Enclosure

cc: Thomas E. Shirley

\*AO 399 (Rev. 10/95)

## WAIVER OF SERVICE OF SUMMONS

TO: Anthony Bayad, pro se

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Patricia Russo

(DEFENDANT NAME)

, acknowledge receipt of your request

that I waive service of summons in the action  
of

Bayad v. Chambers, et al.

(CAPTION OF ACTION)

which is case number 04-10468-GAO

(DOCKET NUMBER)

in the United States District Court

for the

District of

Massachusetts

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after


April 2, 2004

(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

4-2-04

(DATE)



Lisa M. Gaulin, Esq.

(SIGNATURE)

on behalf of Patricia Russo

Printed/Typed Name: Lisa M. Gaulin, Esq.

As

(TITLE)

of

(CORPORATE DEFENDANT)

## Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

ANTHONY BAYAD

SUMMONS IN A CIVIL CASE

v.  
JOHN CHAMBERS  
PATRICIA RUSSO  
ANTHONY SAVASTANO  
CARL WIESE

CASE NUMBER:

**04 10468 GAO**

Telephone 908 508 8080

TO: (Name and address of Defendant)

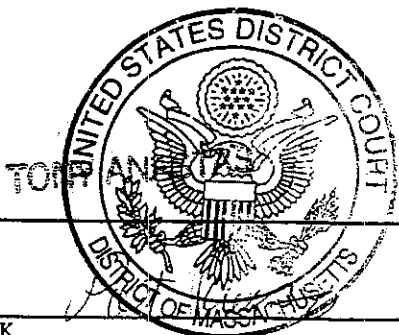
PATRICIA RUSSO  
600 MOUNTAIN AVENUE  
MURRAY HILL, NJ 07974-0636

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ANTHONY BAYAD  
2 MAGOUN AVENUE  
MEDFORD, MA 02155

Telephone 781-704 8982

an answer to the complaint which is served on you with this summons, within 10 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



CLERK

DATE

3-8-04

(By) DEPUTY CLERK



\*\*\*\*\* WELCOME TO \*\*\*\*\*

MILK ST STATION  
BOSTON MA 02109-5121  
03/09/04 12:32PM

Store USPS	Trans 64
Wkstn sys5013	Cashier D5FV60
Cashier's Name	jim
Stock Unit Id	1AJIM
PO Phone Number	617-482-1956
USPS #	2407980009

1. Pad Bag 14x20-RP	1.89
2. Pad Bag 14x20-RP	1.89
3. Pad Bag 14x20-RP	1.89
4. Pad Bag 14x20-RP	1.89
5. Priority Mail	9.35
Destination:	20549
Weight:	31b 14.00oz
Postage Type:	PVI
Total Cost:	9.35
Base Rate:	7.05

## SERVICES

Certified Mail	2.30
70032260000466692382	

6. Priority Mail	7.60
Destination:	07974
Weight:	31b 15.10oz
Postage Type:	PVI
Total Cost:	7.60
Base Rate:	5.30

## SERVICES

Certified Mail	2.30
70032260000466710673	

7. Priority Mail	12.65
Destination:	95134
Weight:	31b 15.00oz
Postage Type:	PVI
Total Cost:	12.65
Base Rate:	10.35

## SERVICES

Certified Mail	2.30
70032260000466692375	

8. Priority Mail	7.60
Destination:	08837
Weight:	31b 14.00oz
Postage Type:	PVI
Total Cost:	7.60
Base Rate:	5.30

## SERVICES

Certified Mail	2.30
70032260000466692368	

Subtotal	44.76
Total	44.76

Cash	60.00
Change Due	
Cash	15.24

Order stamps at USPS.com/shop or call  
1-800-Stamp24. Go to  
USPS.com/clicknship to print shipping  
labels with postage. For other  
information call 1-800-ASK-USPS.

Number of Items Sold: 8

Thank You  
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BOSTON, MASSACHUSETTS 02109-2804

TELEPHONE (617) 248-5000 • FAX (617) 248-4000

WWW.CHOATE.COM

LISA GAULIN  
DIRECT DIAL: (617) 248-5141  
EMAIL: LGAULIN@CHOATE.COM

April 27, 2004

**BY HAND**

Clerk of Court  
United States District Court  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, Massachusetts 02210

**RE: *Bayad v. Chambers, et al.***  
**Civil Action No. 04-10468-GAO**

Dear Sir/Madam:

Enclosed for filing in the above-referenced matter, please find the Notice of Appearance for Thomas E. Shirley and Lisa M. Gaulin. Please date stamp the enclosed copy of this letter and return it to my messenger. Thank you for your assistance in this matter.

Very truly yours,

  
Lisa Gaulin

Enclosure

cc: Anthony Bayad (*via regular mail w/enc.*) ✓  
Mark Batten, Esq. (*via regular mail w/enc.*)  
Thomas E. Shirley, Esq. (w/enc.)

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ANTHONY BAYAD,

Plaintiff,

v.

JOHN CHAMBERS, et al.,

Defendants.

Civil Action No. 04-10468-GAO

NOTICE OF APPEARANCE

Kindly enter the appearance of Thomas E. Shirley and Lisa M. Gaulin on behalf of  
Defendant Patricia Russo.

PATRICIA RUSSO

By her attorneys,

*Lisa Gaulin*

Thomas E. Shirley, Esq. (BBO# 542777)

Lisa M. Gaulin, Esq. (BBO# 654655)

CHOATE, HALL & STEWART

Exchange Place

53 State Street

Boston, MA 02109-2891

617-248-5000

Dated April 27, 2004

I HEREBY CERTIFY THAT A TRUE COPY OF  
THE ABOVE DOCUMENT WAS SERVED  
UPON THE ATTORNEY OF RECORD FOR  
EACH OTHER PARTY BY MAIL/HAND ON

DATE 4-27-04 SIGNATURE *L. Gaulin*



AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

ANTHONY BAYAD

SUMMONS IN A CIVIL CASE

v.

JOHN CHAMBERS  
PATRICIA RUSSO  
ANTHONY SAVASTANO  
CARL WIESE

CASE NUMBER:

04 10468 GAO

TO: (Name and address of Defendant)

CARL WIESE  
499 THORNALL Street  
8 FLOORS  
EDISON, NEW Jersey 08837

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Anthony BAYAD Telephone 781704 898.  
2 MAGOUN Avenue  
MEDFORD, MA 02155

an answer to the complaint which is served on you with this summons, within 10 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



CLERK

(By) DEPUTY CLERK

DATE

3-8-04



AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

MASSACHUSETTS

ANTHONY BAYAD

SUMMONS IN A CIVIL CASE

v.  
JOHN CHAMBERS  
PATRICIA RUSSO  
ANTHONY SAVASTANO  
CARL WIESE

CASE NUMBER:

04 10468 GAO

TO: (Name and address of Defendant)

JOHN CHAMBERS  
300 EAST TASMAN DRIVE  
SAN JOSE, CALIFORNIA 95134

Telephone: [408] 526 8222

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ANTHONY BAYAD  
2 MAGOUN AVENUE  
MEDFORD, MA 02155

Telephone 781 704 8982

an answer to the complaint which is served on you with this summons, within 10 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



CLERK

(By) DEPUTY CLERK

DATE

3-8-04



## Track & Confirm

### Shipment Details

You entered 7003 2260 0004 6669 2375

Your item was delivered at 9:44 am on March 11, 2004 in SAN JOSE, CA 95134.

Here is what happened earlier:

- ARRIVAL AT UNIT, March 11, 2004, 9:07 am, SAN JOSE, CA 95134
- ACCEPTANCE, March 09, 2004, 12:35 pm, BOSTON, MA 02109

### Notification Options

▶ Track & Confirm by email

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7003 2260 0004 6669 2375

U.S. Postal Service	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
SAN JOSE, CA 95134	
Postage	\$ 10.35
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 12.65
Sent To: <u>John Chan, Esq. / Anthony Sarastan</u> Street, Apt. No. or PO Box No. <u>300 East Tasman Drive</u> City, State, ZIP+4 <u>SAN JOSE, CA 95134</u>	

PS Form 3800, June 2002

Official stamp: BOSTON MA 02109, MAR 9 2004, Clerk: US 950



## Track & Confirm

### Shipment Details

You entered 7003 2260 0004 6669 2368

Your item was delivered at 2:14 pm on March 11, 2004 in EDISON, NJ 08837.

Here is what happened earlier:

- ACCEPTANCE, March 09, 2004, 12:37 pm, BOSTON, MA 02109

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7003 2260 0004 6669 2368

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**OFFICIAL USE**

EDISON, NJ 08837

Postage	\$ 5.30
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.60

UNIT 111 0009  
 Milk St. Boston MA #4  
 Postmark  
 Clerk: 057N60  
 03 MAR 2004  
 02196

Sent To: **CHR WROSE** 8th Floor  
 Street, Apt. No.,  
 or PO Box No. **499 THORNAIL STREET**  
 City, State, Zip+4 **EDISON, NJ 08837**

PS Form 3800, June 2002

BINGHAM McCUTCHEN

Mark W. Batten  
Direct Phone: (617) 951-8457  
mark.batten@bingham.com

March 19, 2004

Bingham McCutchen LLP  
150 Federal Street  
Boston, MA  
02110-1726

617.951.8000  
617.951.8736 fax

bingham.com

Boston  
Hartford  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
Silicon Valley  
Tokyo  
Walnut Creek  
Washington

**Via Hand Delivery**

Clerk  
United States District Court  
for the District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
One Courthouse Way  
Boston, MA 02210


**Re: Bayad v. Chambers, et al.**  
**Docket No. 0410468GAO**

Dear Sir or Madam:

Enclosed for filing in the above-captioned matter please find Waivers of Service of Summons for Carl Wiese, John Chambers and Anthony Savastano.

Thank you for your attention to this matter.

Very truly yours,

  
Mark W. Batten *MB*

MWB/kb  
Enclosures

cc: Anthony Bayad ✓

AO 399 (Rev. 10/95)

## WAIVER OF SERVICE OF SUMMONS

TO: ANTHONY BAYAD  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)I, ANTHONY SAVASTANO, acknowledge receipt of your request  
(DEFENDANT NAME)that I waive service of summons in the action  
ofBAYAD V. CHAMBERS ETAL.  
(CAPTION OF ACTION)which is case number 04/10468 GAO in the United States District Court  
(DOCKET NUMBER)for the \_\_\_\_\_ District of MASSACHUSETTS

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

MARCH 9, 2004  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

3/16/2004  
(DATE)

Anthony Savastano  
(SIGNATURE)

Printed/Typed Name:

Anthony Savastano

As

(TITLE)

of

(CORPORATE DEFENDANT)

## Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

AO 399 (Rev. 10/95)

## WAIVER OF SERVICE OF SUMMONS

TO: ANTHONY BAYAD  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)I, John Chambers, acknowledge receipt of your request  
(DEFENDANT NAME)that I waive service of summons in the action  
ofBAYAD V. Chambers ETAL.  
(CAPTION OF ACTION)which is case number 0410468 GAO in the United States District Court  
(DOCKET NUMBER)for the \_\_\_\_\_ District of MASSACHUSETTSI have also received a copy of the complaint in the action, two copies of this instrument, and a means  
by which I can return the signed waiver to you without cost to me.I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit  
by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the  
manner provided by Rule 4.I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to  
the jurisdiction or venue of the court except for objections based on a defect in the summons or in the  
service of the summons.I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if  
ananswer or motion under Rule 12 is not served upon you within 60 days  
afterMarch 9, 2004  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

3-16-04  
(DATE)John Chambers  
(SIGNATURE)Printed/Typed Name: John ChambersAs \_\_\_\_\_ of \_\_\_\_\_  
(TITLE) (CORPORATE DEFENDANT)

## Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons  
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in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives  
service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later  
object to the jurisdiction of the court or to the place where the action has been brought.

SAO 399 (Rev. 10/95)

## WAIVER OF SERVICE OF SUMMONS

TO:

Anthony Bayad

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Carl Wiese

(DEFENDANT NAME)

, acknowledge receipt of your request

that I waive service of summons in the action  
ofBAYAD V. Chambers ETAL

(CAPTION OF ACTION)

which is case number

04-10468-GAO

(DOCKET NUMBER)

in the United States District Court

for the

District of

MASSACHUSETTS

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

March 9, 2004  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

3/19/04

(DATE)

Carl Wiese

(SIGNATURE)

Printed/Typed Name:

Carl Wiese

As

(TITLE)

of

(CORPORATE DEFENDANT)

## Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.